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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,990	01/03/2001	Paul E Milne	124-829	8407

7590 11/18/2002

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EXAMINER

HENDERSON JR, CHRISTOPHER A

ART UNIT

PAPER NUMBER

1713

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

CLT/MATTER # 124-829  
MAIL DATE 11-18-02  
DUE DATE Dec 18, 2002  
FINAL DEADLINE May 18, 2003  
DOCKETED BY pac/mcs

## Office Action Summary

Application N .

09/720,990

Applicant(s)

MILNE ET AL.

Examiner

Christopher Henderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ~~11~~ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

DUE MONTH  
see info from  
examiner

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-41 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR  
DEVELOPMENT.

(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A

COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Group I, claim(s) 1-8, 21, 26, 27, 41, drawn to composition of I where R1 is nonhetero. 526/242, etc.

Group II, claim(s) 9-13, 16, 17, 29-31, drawn to composition I where R1 is hetero of N, etc., 526/304, 306, etc.

Group III, claim(s) 22-25, 28, 32-34, drawn to composition I where I or II contains multiplicity of unsaturated moieties with high units. 526/274, 307.1 310, etc.

Group IV, claim(s) 35, drawn to amide compound. 564/123, etc.

Group V, claim(s) <sup>6</sup>38-37, drawn to use of I. 156/various; 427/various.

Group VI, claim(s) 38-40, drawn to articles. 428/various.

The inventions listed as Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special

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technical features for the following reasons: Under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons. The invention of Group I cannot have the same or corresponding special technical feature as the invention of Group II because the invention of Group I lacks a special technical feature. PCT Rule 13.2 defines "special technical feature" as a technical feature that defines a contribution which the invention, considered as a whole, makes over the prior art. The invention of Group I lacks a special technical feature since the compound was fully described by Shimizu et al (U.S. Patent 3,912,693). Shimizu et al. teach a material (see formula I on column 2, line 61) that reads on the compound of claim 1 ( $R^2=R^3=CH_2$ ,  $R^4=R^5=CH$ ,  $R^1$  and  $R^6$  together are electron withdrawing group  $N^+HY^-$ , and  $R^7$  is hydrogen). The material may be used as a binder (column 9, line 65), i.e., an adhesive.

During a telephone conversation with Arthur Crawford on May 30, 2002 a provisional election was made with traverse to prosecute the invention of Group I, claim 1-37 and 41. Affirmation of this election must be made by applicant in replying to this Office action. Claims 38-40 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

A further restriction is required.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows: See pages 10-12, 17-47 of specification.

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Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The species listed as represented in the specification do not relate to a single general inventive concept under PCT Rule 13.1 because, under PTC Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The various compounds containing various polar and nonpolar groups internally and externally such that a broad spectrum of compounds and polymer compositions are generated, these compounds and polymer compositions become diverse and nonrelated both in chemical structure and chemical properties.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Henderson whose telephone number is 703-308-24<sup>4</sup>~~8~~8. The examiner can normally be reached on Tuesday-Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D Wu can be reached on 703-308-2450. The fax phone numbers for the organization

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where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

C. Henderson/mn  
November 12, 2002

*C. Henderson*  
CHRISTOPHER HENDERSON  
PRIMARY EXAMINER